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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

TIMOTHY SHEA,

Defendant.

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CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
MONEY JUDGMENT

S2 20 Cr. 412 (AT)

WHEREAS, on or about April 21, 2022, TIMOTHY SHEA (the “Defendant”), was charged in a superseding Indictment, S2 20 Cr. 412 (AT) (the “Indictment”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Two); and falsification of records, in violation of Title 18, United States Code, Sections 1519 and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Indictment also included a forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Two of the Indictment, or any property traceable to such property, including but not limited

to a sum of money in United States currency representing the amount of property involved in the offense charged in Count Two of the Indictment;

WHEREAS, on or about October 28, 2022, following a jury trial, the Defendant was found guilty of Counts One through Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,801,707 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained and any and all property involved in the offense charged in Count Two of the Indictment, for which the Defendant is jointly and severally liable with co-defendants Brian Kolfage and Andrew Badolato (the “Co-defendants”), to the extent a forfeiture money judgment is entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment, and any and all property involved in the offense charged in Count Two of the Indictment, cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Mollie Bracewell, Nicolas Roos, Robert B. Sobelman, and Derek Wikstrom, of counsel, the Defendant, and his counsel, Thomas Nooter, Esq., that:

1. As a result of the offenses charged in Counts One through Three of the Indictment, of which the Defendant was found guilty, a money judgment in the amount of \$1,801,707 in United States currency (the “Money Judgment”), representing proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, and

all property involved in the offense charged in Count Two of the Indictment, for which the Defendant is jointly and severally liable with the Co-defendants Brian Kolfage and Andrew Badolato, to the extent a forfeiture money judgment is entered against the Co-defendants in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant TIMOTHY SHEA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:	<u>/s/ Robert B. Sobelman</u>	<u>4/15/2023</u>
	MOLLIE BRACEWELL	DATE
	NICOLAS ROOS	
	ROBERT B. SOBELMAN	
	DEREK WIKSTROM	
	Assistant United States Attorneys	

TIMOTHY SHEA

By:	<u>/s/ Timothy Shea</u>	<u>4/15/2023</u>
	TIMOTHY SHEA	DATE

By:	<u>/s/ Thomas Nooter</u>	<u>4/15/2023</u>
	THOMAS NOOTER, ESQ.	DATE
	Attorney for Defendant	
	75 Maiden Lane, Suite 503	
	New York, New York 10038	

SO ORDERED:

	<u>August 1, 2023</u>
<u>HONORABLE ANALISA TORRES</u>	DATE
UNITED STATES DISTRICT JUDGE	New York, New York